

SENATE BILL 571

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2003 Regular Session
3r1715
CF 3r1666

By: **Senators Hughes and Conway**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Enoch Pratt Free Library of Baltimore City - Board of Trustees**

3 FOR the purpose of requiring certain elected officials to appoint the members of the
4 Board of Trustees of the Enoch Pratt Free Library of Baltimore City; providing
5 for the composition of the Board; requiring that each member of the Board
6 reside in Baltimore City; requiring certain members of the Board be appointed
7 from certain councilmanic districts and legislative districts; establishing term
8 limits for members of the Board; prohibiting the Board from establishing a
9 board of directors or management board or delegating certain powers or duties;
10 requiring the Board to meet at certain times; requiring that the Enoch Pratt
11 Free Library consist of certain branches; providing that the Enoch Pratt Free
12 Library is a public agency of Baltimore City and a State agency; providing that
13 this Act supersedes any contrary provisions of existing laws pertaining to the
14 Enoch Pratt Free Library; and generally relating to the Enoch Pratt Free
15 Library of Baltimore City.

16 BY repealing and reenacting, without amendments,
17 Article - Education
18 Section 23-201
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2002 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Education
23 Section 23-402(a)
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2002 Supplement)

26 BY adding to
27 Article - Education
28 Section 23-402(f), (g), and (h)
29 Annotated Code of Maryland
30 (2001 Replacement Volume and 2002 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Education**

4 23-201.

5 (a) The Central Library of the Enoch Pratt Free Library System is the State
6 Library Resource Center.

7 (b) The State Library Resource Center shall provide and expand access to
8 specialized library materials and services that are necessary for coordinated,
9 efficient, and economical library services in this State.

10 23-402.

11 (a) (1) [The] EXCEPT AS PROVIDED IN SUBSECTIONS (F), (G), AND (H) OF
12 THIS SECTION, THE Mayor and City Council of Baltimore CITY shall be governed by
13 the requirements and regulations pertaining to the Enoch Pratt Free Library of
14 Baltimore City as provided in Chapter 181 of the Acts of 1882 and any other laws
15 applicable to the operation of public libraries.

16 (2) [The] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION,
17 THE powers and duties of the Board of Trustees of the Enoch Pratt Free Library are
18 as provided in Chapter 181 of the Acts of 1882 and the Charter and the Articles of
19 Incorporation of the Enoch Pratt Free Library and other laws applicable to the Board
20 of Trustees of the Enoch Pratt Free Library.

21 (F) (1) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 181 OF THE ACTS
22 OF 1882, ON OR BEFORE FEBRUARY 1, 2004, THE FOLLOWING INDIVIDUALS SHALL
23 JOINTLY APPOINT THE MEMBERS OF THE BOARD OF TRUSTEES OF THE ENOCH
24 PRATT FREE LIBRARY:

25 (I) THE MAYOR OF BALTIMORE CITY OR THE MAYOR'S DESIGNEE;

26 (II) THE MEMBERS OF THE BALTIMORE CITY COUNCIL;

27 (III) THE BALTIMORE CITY HOUSE OF DELEGATES DELEGATION IN
28 THE GENERAL ASSEMBLY; AND

29 (IV) THE BALTIMORE CITY SENATE DELEGATION IN THE GENERAL
30 ASSEMBLY.

31 (2) A MEMBER OF THE BOARD OF TRUSTEES SHALL BE:

32 (I) NOMINATED IN ACCORDANCE WITH THE PROVISIONS OF
33 PARAGRAPH (3) OF THIS SUBSECTION; AND

1 (II) APPOINTED UPON APPROVAL BY A MAJORITY VOTE OF THE
2 BALTIMORE CITY COUNCIL, THE BALTIMORE CITY HOUSE OF DELEGATES
3 DELEGATION, AND THE BALTIMORE CITY SENATE DELEGATION.

4 (3) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
5 SUBSECTION, THE BOARD OF TRUSTEES SHALL CONSIST OF THE MEMBERS
6 NOMINATED AS FOLLOWS:

7 (I) ONE MEMBER NOMINATED BY THE MAYOR OF BALTIMORE CITY
8 OR THE MAYOR'S DESIGNEE;

9 (II) ONE MEMBER NOMINATED FROM EACH OF THE 14
10 COUNCILMANIC DISTRICTS BY THE COUNCIL MEMBER WHO REPRESENTS THAT
11 DISTRICT; AND

12 (III) ONE MEMBER NOMINATED FROM EACH OF THE LEGISLATIVE
13 DISTRICTS BY THE MEMBERS OF THE HOUSE OF DELEGATES AND SENATE WHO
14 REPRESENT THAT DISTRICT.

15 (4) MEMBERS OF THE BALTIMORE CITY COUNCIL, SENATE, AND HOUSE
16 OF DELEGATES SHALL NOMINATE INDIVIDUALS WHO RESIDE IN THEIR RESPECTIVE
17 DISTRICTS.

18 (5) A NOMINEE TO THE BOARD OF TRUSTEES OF THE ENOCH PRATT
19 FREE LIBRARY SHALL:

20 (I) ACTIVELY PARTICIPATE IN A CIVIC ORGANIZATION;

21 (II) PARTICIPATE AS A COMMUNITY ADVOCATE IN BALTIMORE CITY
22 OR STATE LIBRARY ISSUES; OR

23 (III) DEMONSTRATE SIGNIFICANT SERVICE TO PUBLIC LIBRARIES
24 AS A VOLUNTEER.

25 (6) AFTER FEBRUARY 1, 2004, WHEN A VACANCY ON THE BOARD OF
26 TRUSTEES OF THE ENOCH PRATT FREE LIBRARY OCCURS, AN INDIVIDUAL SHALL BE
27 NOMINATED AND APPOINTED AS PROVIDED UNDER THIS SUBSECTION.

28 (7) (I) EACH MEMBER APPOINTED TO SERVE ON THE BOARD OF
29 TRUSTEES OF THE ENOCH PRATT FREE LIBRARY SHALL BE A RESIDENT OF
30 BALTIMORE CITY AT THE TIME THE MEMBER IS APPOINTED TO THE BOARD OF
31 TRUSTEES.

32 (II) IF A MEMBER APPOINTED TO SERVE ON THE BOARD OF
33 TRUSTEES OF THE ENOCH PRATT FREE LIBRARY FAILS TO RESIDE IN BALTIMORE
34 CITY AT ANY TIME DURING THE MEMBER'S TERM, THE MEMBER SHALL BE
35 CONSIDERED TO HAVE RESIGNED.

36 (8) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED TERM:

1 (I) SERVES ONLY FOR THE REMAINDER OF THAT TERM UNTIL A
2 SUCCESSOR IS APPOINTED; AND

3 (II) IS ELIGIBLE FOR APPOINTMENT TO SERVE TWO ADDITIONAL
4 TERMS.

5 (9) (I) A MEMBER OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT
6 FREE LIBRARY MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

7 (II) A MEMBER OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT
8 FREE LIBRARY SERVES FOR A TERM OF 4 YEARS AND BEGINS ON FEBRUARY 1.

9 (III) 1. A MEMBER WHO SERVED ON THE BOARD OF TRUSTEES OF
10 THE ENOCH PRATT FREE LIBRARY BEFORE FEBRUARY 1, 2004, FOR 4 OR MORE YEARS
11 IS CONSIDERED TO HAVE COMPLETED ONE TERM FOR EACH 4 YEARS OF SERVICE.

12 2. THIS CALCULATION APPLIES TO THE TERM LIMITS
13 ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

14 (G) (1) THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY MAY
15 NOT:

16 (I) CREATE A BOARD OF DIRECTORS OR A MANAGEMENT BOARD;
17 OR

18 (II) DELEGATE ANY OF ITS POWERS OR DUTIES TO ANY OTHER
19 PERSON.

20 (2) THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY
21 SHALL MEET AT LEAST ONCE EACH MONTH.

22 (3) ANY MEMBER OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT
23 FREE LIBRARY WHO FAILS TO ATTEND AT LEAST SIX OF THE SCHEDULED MEETINGS
24 OF THE BOARD DURING ANY CALENDAR YEAR SHALL BE REMOVED FROM THE BOARD
25 OF TRUSTEES.

26 (4) ALL OFFICERS OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT
27 FREE LIBRARY SHALL BE MEMBERS OF THE BOARD OF TRUSTEES.

28 (5) THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY MAY
29 ESTABLISH A LIBRARY FOUNDATION TO RAISE FUNDS FOR PROGRAMS AND
30 PROJECTS FOR THE ENOCH PRATT FREE LIBRARY.

31 (H) (1) THE ENOCH PRATT FREE LIBRARY SHALL CONSIST OF ONE CENTRAL
32 LIBRARY THAT IS ALSO THE STATE LIBRARY RESOURCE CENTER UNDER § 23-201 OF
33 THIS TITLE AND AT LEAST 21 BRANCHES LOCATED IN VARIOUS PARTS OF BALTIMORE
34 CITY.

35 (2) THE ENOCH PRATT FREE LIBRARY IS A PUBLIC AGENCY OF THIS
36 STATE AND A PUBLIC AGENCY OF BALTIMORE CITY.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall supersede
2 any contrary provisions of existing laws relating to the Enoch Pratt Free Library of
3 Baltimore City.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2003.